

Attorney/Docket No. 31132.189
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:
Bryan, et al.

Serial No. : 10/713,837

Filed: November 14, 2003

For: Human Spinal Disc Prosthesis

§
§
§
§
§
§
§
§

Group Art Unit: 3738

Examiner: Unknown

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 C.F.R. §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO-1449.

Pursuant to 37 CFR §1.98(d), no copies of the cited references are enclosed since the references were provided in the parent application, U.S. Serial No. 09/776,394.

It is requested that the Examiner fully consider the cited references and that they be cited on the front of any patent issuing from this application.

An early action on the merits is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

David M. O'Dell

Registration No. 42,044

Date: 4-28-04
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-739-8635
Facsimile: 214-200-0853

R-73448.1

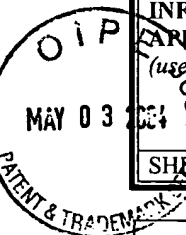
Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4-28-04

Bonnie Boyle
Printed Name

Bonnie Boyle
Signature

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/713,837
				Filing Date	November 14, 2003
				Applicant(s)	Bryan, et al.
				Art Unit	3738
				Examiner Name	Unknown
SHEET	1	OF	5	Attorney Docket Number	31132.189



U. S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		2677369	05/1954	Knowles
		3486505	12/30/1969	Morrison
		3875595	04/08/1975	Froning
		3876728	04/08/1975	Substad
		4023572	05/17/1977	Weigand, et al.
		4116200	09/26/1978	Braun, et al.
		4179810	12/25/1979	Kirsch
		4309777	01/12/1982	Patil
		4349921	09/21/1982	Kuntz
		4599086	07/1986	Doty
		4645507	02/24/1987	Engelbrecht, et al.
		4714469	12/22/1987	Kenna
		4743256	05/10/1988	Brantigan
		4757983	07/19/1988	Ray, et al.
		4759766	07/26/1988	Buettner-Janz, et al.
		4759769	07/26/1988	Hedman, et al.
		4766328	08/23/1988	Yang
		4777942	10/18/1988	Frey, et al.
		4800639	01/31/1989	Frey, et al.
		4834757	05/30/1989	Brantigan
		4863476	09/05/1989	Shepperd
		4863477	09/05/1989	Monson
		4874389	10/17/1989	Downey
		4878915	11/07/1989	Brantigan
		4887595	12/19/1989	Heinig, et al.
		4904260	02/27/1990	Ray, et al.
		4904261	02/27/1990	Dove, et al.
		4908032	03/13/1990	Keller
		4908036	03/13/1990	Link, et al.
		4911718	03/27/1990	Lee, et al.
		4917704	04/17/1990	Frey, et al.
		4932969	06/1990	Frey, et al.
		4932975	06/12/1990	Main, et al.
		4946378	08/07/1990	Hirayama, et al.
		4955908	09/11/1990	Frey, et al.
		4978355	12/18/1990	Frey, et al.
		4997432	03/05/1991	Keller
		5002576	03/26/1991	Fuhrmann, et al.
		5015247	05/14/1991	Michelson
		5035716	07/30/1991	Downey
		5047055	09/10/1991	Bao, et al.
		5059193	10/22/1991	Kuslich
		5059194	10/22/1991	Michelson

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

In place of PTO-1449 Form	U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> <i>Complete if Known</i> </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Application Number</td> <td>10/713,837</td> </tr> <tr> <td>Filing Date</td> <td>November 14, 2003</td> </tr> <tr> <td>Applicant(s)</td> <td>Bryan, et al.</td> </tr> <tr> <td>Art Unit</td> <td>3738</td> </tr> <tr> <td>Examiner Name</td> <td>Unknown</td> </tr> <tr> <td>Attorney Docket Number</td> <td>31132.189</td> </tr> </table>	Application Number	10/713,837	Filing Date	November 14, 2003	Applicant(s)	Bryan, et al.	Art Unit	3738	Examiner Name	Unknown	Attorney Docket Number	31132.189
Application Number	10/713,837													
Filing Date	November 14, 2003													
Applicant(s)	Bryan, et al.													
Art Unit	3738													
Examiner Name	Unknown													
Attorney Docket Number	31132.189													
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>														
SHEET	2	OF 5												

U. S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		5062845	11/05/1991	Kuslich, et al.
		5071437	12/10/1991	Steffee
		5080662	01/14/1992	Paul
		5084048	01/28/1992	Jacob, et al.
		5108438	04/28/1992	Stone
		5122130	06/16/1992	Keller
		5123926	06/23/1992	Pisharodi
		5171280	12/15/1992	Baumgartner
		5171281	12/15/1992	Parsons, et al.
		5176708	01/05/1993	Frey, et al.
		5192326	03/1993	Bao, et al.
		5192327	03/09/1993	Brantigan
		5234431	08/1993	Keller
		5236460	08/17/1993	Barber
		5246458	09/1993	Graham
		5258031	11/02/1993	Salid, et al.
		5261911	11/1993	Carl
		5261913	11/16/1993	Marnay
		5314478	05/24/1994	Oka, et al.
		5320644	06/14/1994	Baumgartner
		5370697	12/1994	Baumgartner
		5383933	01/24/1995	Keller
		5401269	03/28/1995	Bittner-Janz, et al.
		5403314	04/04/1995	Currier
		5425772	06/20/1995	Brantigan
		5425773	06/20/1995	Boyd, et al.
		5443514	08/22/1995	Steffee
		5456719	10/10/1995	Keller
		5458638	10/17/1995	Kuslich, et al.
		5458642	10/17/1995	Beer, et al.
		5484437	01/16/1996	Michelson
		5489307	02/06/1996	Kuslich, et al.
		5489308	02/06/1996	Kuslich, et al.
		5496318	03/05/1996	Howland, et al.
		5507816	04/16/1996	Bullivant
		5514180	05/07/1996	Heggeness, et al.
		5527315	06/18/1996	Jeanson, et al.
		5534028	07/09/1996	Bao, et al.
		5534029	07/1996	Shima
		5534090	07/1996	Navarro, et al.
		5545229	08/13/1996	Parsons, et al.

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/713,837
				Filing Date	November 14, 2003
				Applicant(s)	Bryan, et al.
				Art Unit	3738
				Examiner Name	Unknown
SHEET	3	OF	5	Attorney Docket Number	31132.189

U. S. PATENT DOCUMENTS

CITED DOCUMENTS					
Examiner's Initials		Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		5549679	08/1996		Kuslich
		5556431	09/1996		Buttner-Janz
		5556431	09/17/1996		Buttner-Janz
		5562738	10/08/1996		Boyd, et al.
		5571189	11/1996		Kuslich
		5593409	01/14/1997		Brosnahan
		5645598	07/08/1997		Caldarise
		5674294	10/07/1997		Bainville, et al.
		5674295	10/07/1997		Ray, et al.
		5824093	10/20/1998		Ray, et al.
		5674296	10/07/1997		Bryan, et al.
		5676701	10/1997		Yuan, et al.
		5683464	11/04/1997		Wagner, et al.
		5702450	12/30/1997		Bisserie
		5720748	02/24/1998		Kuslich, et al.
		5722977	03/03/1998		Wilhelmy
		5741253	04/21/1998		Michelson
		5782830	07/21/1998		Farris
		5782832	07/21/1998		Larsen, et al.
		5797909	08/25/1998		Michelson
		5824094	10/20/1998		Serhan, et al.
		5865848	02/02/1999		Baker
		5885300	03/23/1999		Tokuhashi, et al.
		5888226	03/30/1999		Rogozinski
		5928284	07/27/1999		Mehdizadeh
		5947971	09/07/1999		Kuslich, et al.
		5976187	11/02/1999		Richelsoph
		5989291	11/23/1999		Ralph, et al.
		6001130	12/14/1999		Bryan, et al.
		6022376	02/08/2000		Assell
		6059790	05/09/2000		Sand, et al.
		6059829	05/09/2000		Schapfer, et al.
		6063121	05/16/2000		Xavier, et al.
		6066174	05/23/2000		Farris
		6080155	06/27/2000		Michelson

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	10/713,,837
				Filing Date	November 14, 2003
				Applicant(s)	Bryan, et al.
				Art Unit	3738
				Examiner Name	Unknown
SHEET	4	OF	5	Attorney Docket Number	31132.189

U. S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD- YYYY	Name of Patentee or Applicant of Cited Document
		6083228	06/04/2000	Michelson
		6086595	07/11/2000	Yonemura, et al.
		6096038	08/01/2000	Michelson
		6139579	10/31/2000	Steffee, et al.
		6156067	12/05/2000	Bryan, et al.
		6162252	12/19/2000	Kuras, et al.
		6179874	01/31/2001	Cauthen
		6228022	05/08/2001	Friesem, et al.
		6228026	05/08/2001	Rull, et al.
		6231609	05/15/2001	Mehdizadeh

FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document (Country Code – Number – Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
		2263842	07/1974	Germany	yes
		2804936	08/1979	Germany	abstract
		3023353 A1	04/1981	Germany	
		895433	01/1982	USSR	abstract
		0176728	04/1986	EPO	abstract
		3741493 A1	06/1989	Germany	
		1560184	04/1990	USSR	abstract
		9000094.3	04/1990	Germany	yes
		00560140 A1	09/1993	EPO	abstract
		0004839	02/2000	PCT	
		0013619	03/2000	PCT	
		0013620	03/2000	PCT	
		0004851	03/2000	PCT	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/713,,837
				Filing Date	November 14, 2003
				Applicant(s)	Bryan, et al.
				Art Unit	3738
				Examiner Name	Unknown
SHEET	5	31132. 189	5	Attorney Docket Number	31132.189

OTHER PRIOR ART

Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
		Brain, et al., "The Neurological Manifestations of Cervical Spondylosis", Brain: A Journal of Neurology, vol. 75; Macmillan & Co.; 1952; pp. 187-225.
		Buttner-Jan, et al.; "Biomechanics of the SB Charite Lumbar Intervertebral Disc Endoprosthesis"; International Orthopedics; vol. 13; 1989; pp. 173-176.
		Edeland; "Some Additional Suggestions for an Intervertebral Disc Prosthesis"; Dept. of Occupational Health; Vdvo PV AB; S-40508; Goteborg; Sweden; 1985 Butterworth & Co. Publishers Ltd.
		Enker et al.; "Artificial Disc Replacement"; Spine; vol. 18; No. 8; 1993; pp. 1061-1070.
		Hawkins, et al.; "Shear Stability of an Elastomeric Disk Spacer Within an Intervertebral Joint: A Parametric Study"; Journal of Biomechanical Engineering Technical Briefs; vol. 114; Aug. 1992; pp. 414-415.
		Hedman, et al.; "Design of an Intervertebral Disc Prosthesis"; Spine; vol. 17; No. 6; 1991; pp. S256-S260.
		Hellier, et al.; "Wear Studies for Development of an Intervertebral Disc Prosthesis"; Spine; vol. 17; No. 6 Supplement; 1992; S86-S96.
		Hood; "Far Lateral Lumbar Disc Herniations"; Neurosurgery Clinics of North America; vol. 4, No. 1; Jan. 1993; pp. 117-124.
		Langrana, et al.; "Finite-Element Modeling of the Synthetic Intervertebral Disc"; Spine; vol. 16; No. 6; 1991; pp. S245-S252.
		Lee, et al.; "Development of a Prosthetic Intervertebral Disc"; Spine; vol. 16; No. 6; 1991; pp. S253-S255.
		Lees, et al.; "Natural History & Prognosis of Cervical Spondylosis"; British Medical Journal; Dec. 28, 1963; British Medical Association, London, England; Copyright 1963; pp. 1607-1610.
		Long; "Failed Back Surgery Syndrome"; Neurosurgery Clinics of North America; vol. 2, No. 4; Oct. 1991; pp. 899-919.
		Ray; "The Artificial Disc-Introduction, History and Socioeconomics"; Clinical Efficacy and Outcome in the Diagnosis and Treatment of Low Back Pain; Raven Press, Ltd., NY; 1992; pp. 205-280.
		Robinson, et al.; "The Results of Anterior Interbody Fusion of the Cervical Spine"; The Journal of Bone & Joint Surgery; vol. 44-A, No. 8, Dec. 1962; pp. 1569-1587.
		Simeone and Rothman; "Cervical Disc Disease"; Pennsylvania Hospital & University of Pennsylvania; 1975; pp. 387-433.
		Solini, et al.; "Metal Cementless Prosthesis for Vertebral Body Replacement of Metastatic Malignant Disease of the Cervical Spine"; Journal of Spinal Disorders; vol. 2; No. 4; 1989; pp. 254-262.
		Taylor, Collier; "The Occurrence of Optic Neuritis in Lesions of the Spinal Cord, Injury, Tumor, Melitis"; Brain: A Journal of Neurology; vol. 24; Macmillan & Co. Ltd, 1901; pp. 532-550.
		Tie-sheng et al.; "Lumbar Intervertebral Disc Prosthesis"; Chinese Medical Journal, 104-(5); 1991; pp. 381-386.
		Artificial Disc, Market Potential and Technology Update, Viscogliosi Bros., LLC, February 2000, pp. 1-65
		Boning-Up, The Musculoskeletal Healthcare Industry, Industry Commentary and Review of 1999, Viscogliosi Corporation, 2000, 01080-004, pp. 29
		Morphology of the Human Skeleton, pp. 268270; 283-291; 315-331; 489-495
		Spine Industry Dynamics, Viscogliosi Bros., LLC, March 10, 2000, pp. 1-4
Examiner Signature		Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.